IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION NO : 755 of 2005

Between:

Golla Raju, S/o. Mallaiah, Fair Price Shop Dealer,
R/o. Obulapuram Village, Dhone Mandal, Kurnool District.

..... PETITIONER

AND

1 The District Collector, Kurnool District.
2 The Joint Collector, Kurnool District.
3 The Revenue Divisional Officer, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of mandamus declaring the order or the 2nd Respondent in dismissing the appeal vide proceedings Rc.No.CS3/169/2004 dt. 31-12-2004 by confirming the proceedings of the 3rd Respondent in proceedings Rc.B.574/2004 dt. 11-6-2004, without looking into the evidence produced by the petitioner as illegal, arbitrary, mala fide against the provisions of Control Order 2001 and consequently set aside the same, pending the disposal of the revision before the 1st Respondent.

Counsel for the Petitioner : MR.K.V.RAGHUVEER

Counsel for the Respondents 1 to 3: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

The authorization of the petitioner was suspended by the 3rd respondent through proceedings, dated 11-06-2004. The allegation against him was that an individual has purchased 50 kgs., of rice from his shop for a sum of Rs.375/-. Another allegation is that there are certain discrepancies in the stock. Aggrieved thereby, the petitioner preferred an appeal together with an application for stay. Complaining that no orders of stay were granted, he filed W.P.No.9880 of 2004 before this Court. The writ petition was disposed of on 17-06-2004, directing that there shall be stay of the order of suspension pending disposal of the appeal. The 2nd respondent rejected the appeal through his order dated 31-12-2004. Hence, this writ petition.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

The authorization of the petitioner was suspended on the allegations that he sold 50 kgs., of rice meant for public distribution to an individual and that there are discrepancies as to stock. The petitioner denied the allegations against him. In the appeal preferred by him before the 2nd respondent, the petitioner reiterated his stand. The 1st respondent was not convinced with the same and rejected the appeal.

Strictly speaking, no exception can be taken to the order passed by the 1st respondent. The main proceedings are still pending before the 3rd respondent. It is only when the definite findings are recorded after considering the explanation offered by the petitioner, that the allegations against the petitioner can be said to have been either proved or not. One factor, which weighs with this Court in the matter of continuation of interim orders in favour of the petitioner, is that the directions issued by this Court in W.P.No.9880 of 2004 were in force for a period of six months. Even assuming that there are no grounds in the appeal, no prejudice, as such, would be caused to any one, in case the 3rd respondent is required to dispose of the proceedings within a short time and by continuing the present arrangement.

Hence, the writ petition is disposed of directing that the 3rd respondent shall conclude the proceedings initiated against the petitioner, within a period of four weeks from the date of receipt a copy of this order, and till then, the order of suspension, dated 11-06-2004, shall remain stayed. There shall be no order as to costs.

27-01-2004

GJ

To

1 The District Collector, Kurnool District.
2 The Joint Collector, Kurnool District.
3 The Revenue Divisional Officer, Kurnool District.

4 Two C.Cs. to the Government Pleader for Civil Supplies, High Court of A.P., Hyderabad. (OUT)

5 Two C.D. copies.